

## REGULATORY FLEXIBILITY ANALYSIS FOR SMALL BUSINESSES AND LOCAL GOVERNMENTS

The New York State Department of Environmental Conservation (Department) proposes a rulemaking to amend and add a new paragraph to section 326.2 of 6 NYCRR Part 326 to prohibit the distribution, sale, purchase, possession, or use of pesticide products containing the active ingredient chlorpyrifos.

### 1. EFFECT OF RULE

The purpose of this proposed rulemaking is to prohibit the distribution, sale, purchase, possession, or use of pesticide products containing the active ingredient chlorpyrifos. Pesticides containing the active ingredient chlorpyrifos may impact environmental resources, pollinators, pesticide applicators, agricultural workers, and the public. The proposed rulemaking is not expected to significantly impact local governments. However, it may have a minimal impact if local governments are required to find an alternative to chlorpyrifos containing pesticide product to control a pest. It is not anticipated that local governments will have any regulatory responsibilities associated with this proposed rulemaking, since pesticides are primarily regulated by the Department.

Small businesses, including agricultural businesses, may be impacted by this proposed rulemaking. This proposed rulemaking prohibits the distribution, sale, purchase, possession, or use of pesticide products containing the active ingredient chlorpyrifos. Therefore, other pesticides and pest management practices may be necessary, which may be less cost effective for small businesses. In these cases, the increased costs may already be factored into business planning since pesticide applicators already traditionally rotate different pesticide products to prevent pesticide resistance.

### 2. COMPLIANCE REQUIREMENTS

Small businesses and local governments would no longer be permitted to distribute, sell, purchase, possess, or use pesticide products containing the active ingredient chlorpyrifos.

### 3. PROFESSIONAL SERVICES

There is no anticipated need for additional professional services for local governments or small businesses associated with this proposed rulemaking.

### 4. COMPLIANCE COSTS

The anticipated costs to small business and local governments should not be significant, but costs for small business and local government may increase somewhat due to their inability to apply pesticide products with chlorpyrifos as an active ingredient. Alternative pesticides may cost more than pesticide products counting chlorpyrifos as an active ingredient or may require additional applications for similar levels of pest control, potentially increasing costs. In many cases these increased costs should already be factored into business expenses since pesticide

applicators traditionally rotate different pesticide products to prevent pesticide resistance. There may also be some costs to small distributors of chlorpyrifos products who may have to send these products back to the registrants or otherwise potentially dispose of them.

## 5. ECONOMIC AND TECHNOLOGICAL FEASIBILITY

DEC has focused on proposing this regulation in a manner that is technically sound and economical. In order to minimize any economic impacts, the timing of the effective date of the rule will allow for certain agricultural uses into the beginning of the 2021 agricultural use season. This timeframe will give local governments and industry time to research and adopt new pest control alternatives or technologies while still allowing for critical pest control needs in 2021.

## 6. MINIMIZING ADVERSE IMPACTS

The proposed rulemaking is not expected to have adverse impacts on local governments or small businesses in New York State. The proposed rulemaking minimizes any adverse impacts on small businesses and local governments by limiting this revision to one active ingredient.

## 7. SMALL BUSINESS AND LOCAL GOVERNMENT PARTICIPATION

In addition to comprehensive internal review, the DEC has conducted informal meetings and calls with interested parties associated with this proposed rulemaking.

## 8. CURE PERIOD OR OTHER OPPORTUNITY FOR AMELIORATIVE ACTION

Compliance with this proposed rulemaking will be required upon the effective date of the final rule.

## 9. INITIAL REVIEW OF RULE

The Department will conduct an initial review of the rule within three years as required by SAPA § 207.